

REMARKS

In response to the outstanding Office Action, Applicants have amended the specification and claims in a sincere effort to move the present case through to issuance.

Non-elected claims 14-47 have been canceled without prejudice.

Regarding the drawing objections with regard to certain reference characters not being mentioned in the description, Applicants have amended the specification to correct the informalities. Accordingly, withdrawal of the objections is respectfully requested.

Regarding the specification objection with regard to the trademarked terms Java™ and Visual Basic™, Applicants have amended the specification to include a proper trademark symbol for each occurrence of the terms, as permitted by M.P.E.P. 608.01(v). Accordingly, withdrawal of the objection is respectfully requested.

Regarding the claim objections with regard to claims 3, 4, 5, 6, 9, 10, 12 and 13, Applicants have amended the claims to correct the informalities. Accordingly, withdrawal of the objections is respectfully requested.

Regarding the rejection of claims 3, 5, 10 and 13 under 35 U.S.C. §112, second paragraph, with regard to the antecedent basis for the phrase “operating system application programming interfaces,” Applicants have amended the claims to correct any potential ambiguity with regard to antecedent basis. With regard to the antecedent basis of the phrase “data language modeling parser” in claim 13, Applicants assert that proper antecedent basis exists in line 2 of the claim as originally filed. Accordingly, withdrawal of the rejections is respectfully requested.

Regarding the rejection of claims 1-7, 10 and 13 under 35 U.S.C. §103(a) based on U.S. Patent No. 6,101,539 to Kennelly (hereinafter “Kennelly”) and U.S. Patent No. 6,275,938 to Bond et al. (hereinafter “Bond”), Applicants respectfully assert that the combination fails to teach or suggest all of the limitations of the claimed invention.

By way of example only, the cited combination fails to teach or suggest one or more embedded extended function calls causing one or more application programming interfaces of an operating system to be executed in order to access the one or more operating system resources that are not associated with a context of a web browser, as recited in independent claims 1, 4 and 6. That is, no where does Kennelly or Bond mention embedded extended function calls that cause execution of one or more application programming interfaces of an operating system to be executed in order

to access the one or more operating system resources that are not associated with a context of a web browser.

Furthermore, there is a clear lack of motivation to combine the references. Kennelly is directed to configuration management of network packet switches (see Abstract), while Bond is directed to security enhancements for untrusted executable code (see Abstract). That is, the teachings in each reference are directed to completely different environments; one (Kennelly) toward a network packet switch environment, the other (Bond) toward an executable code security environment. However, other than a very general and conclusory statement in the Office Action, there is nothing in the two references that reasonably suggests why one would actually combine the teachings of these two references.

The Federal Circuit has stated that when patentability turns on the question of obviousness, the obviousness determination “must be based on objective evidence of record” and that “this precedent has been reinforced in myriad decisions, and cannot be dispensed with.” In re Lee, 277 F.3d 1338, 1343 (Fed. Cir. 2002). Moreover, the Federal Circuit has stated that “conclusory statements” by an examiner fail to adequately address the factual question of motivation, which is material to patentability and cannot be resolved “on subjective belief and unknown authority.” Id. at 1343-1344.

In the Office Action at page 8, the Examiner provides the following statement to prove motivation to combine Kennelly and Bond, with emphasis supplied: “[i]t would have been obvious, to one of ordinary skill in the art, at the time the invention to modify Kennelly’s invention . . . to include Bond’s invention . . . because scripted web applications with embedded functionality should have a technique for ensuring that the executed code will be safe . . .”

Applicants submit that this statement is based on the type of “subjective belief and unknown authority” that the Federal Circuit has indicated provides insufficient support for an obviousness rejection. More specifically, the Examiner fails to identify any objective evidence of record which supports the proposed combination.

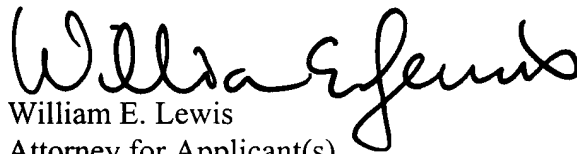
Furthermore, the addition of U.S. Publication No. 20030154279 to Aziz in combination with Kennelly and Bond fails to remedy the above-mentioned deficiencies.

For at least the above reasons, Applicants assert that claims 1 and 3-13 are patentable over the cited combinations. Accordingly, withdrawal of the various rejections is respectfully requested.

New claims 48 and 49 have been added. It is asserted that such new claims are patentable over the cited combinations for at least the above-mentioned reasons. In addition, nowhere do the cited references recite that the one or more operating system resources of the computer system that are not associated with a context of a web browser comprise a screen display outside of a window of the web browser (claim 48) or a file management system (claim 49).

In view of the above, Applicants believe that the application is in condition for allowance, and respectfully request favorable reconsideration

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William E. Lewis", written in a cursive style.

William E. Lewis
Attorney for Applicant(s)
Reg. No. 39,274
90 Forest Avenue
Locust Valley, NY 11560
(516) 759-2946

Date: May 31, 2005